Remarks

A. Status of the Claims

Claims 43-73 were pending when the Species Election Requirement was mailed to Applicant. Claims 43, 46, 48-49, 53, and 65 are amended, and claims 45 and 47 are canceled. Support for these amendments can be found throughout the specification and claims as originally filed.

Claims 43-44, 46, and 48-73 are pending.

B. Applicant's Election

The Examiner requests election of from the following three different sets of species:

(1) Promoters;
(2) Essential Viral Gene Under the Control of An Inducible Promoter; and
(3) Inducer of Apoptosis.

Species Election Requirement at pages 2-3 (underline added).

In response, Applicant elects the following species:

(1) Promoter—Applicant elects the tet-responsive element identified in claim 55.
(2) Essential Viral Gene Under the Control of An Inducible Promoter—Applicant elects E4 identified in claim 46.
(3) Inducer of Apoptosis—Applicant elects Bak identified in claim 71.

Claims 43-44, 46, 48-53, 55, and 65-73 are readable on the elected species. Applicant agrees with the Examiner that upon the allowance of a generic claim, Applicant is entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

C. Conclusion

Applicant believes that this is a full and complete response to the Species Election Requirement. Applicant requests that the substantive examination process begin.